Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Cancelled)

2. (Previously Presented) A surface acoustic wave device having a structure wherein a ZnO layer is stacked on a dielectric thin film comprising a diamond layer or a diamond layer formed on a substrate, and interdigital transducers for exciting a surface acoustic wave are disposed on said ZnO layer, being characterized by the use of a second order mode surface acoustic wave excited by a structure wherein the value of $2\pi \cdot H/\lambda_M$ satisfies $(2\pi \cdot H/\lambda_M) = 5.0$ to 6.0 where the thickness of said ZnO layer is H and the wavelength of the surface acoustic wave is λ_M.

3. (Original) A surface acoustic wave device having a structure wherein a ZnO layer is stacked on a dielectric thin film comprising a diamond layer or a diamond layer formed on a substrate, and interdigital transducers for exciting a surface acoustic wave are disposed on said ZnO layer, being characterized by the use of a third order mode surface acoustic wave excited by a structure wherein the value of $2\pi \cdot H/\lambda_M$ satisfies $(2\pi \cdot H/\lambda_M) = 6.0$ to 8.5 where the thickness of said ZnO layer is H and the wavelength of the surface acoustic wave is λ_M.

4. (Original) A surface acoustic wave device having a structure wherein a ZnO layer is stacked on a dielectric thin film comprising a diamond layer or a diamond layer formed on a

substrate, and interdigital transducers for exciting a surface acoustic wave are disposed on said ZnO layer, being characterized by the use of a fourth order mode surface acoustic wave excited by a structure wherein the value of $2\pi \cdot H/\lambda_M$ satisfies $(2\pi \cdot H/\lambda_M) = 9.0$ to 10.0 where the thickness of said ZnO layer is H and the wavelength of the surface acoustic wave is λ_M.

5. (Original) A surface acoustic wave device having a structure wherein interdigital transducers for exciting a surface acoustic wave are disposed on a dielectric thin film comprising a diamond layer or a diamond layer formed on a substrate, and a ZnO layer is stacked on said interdigital transducers, being characterized by the use of a fifth order mode surface acoustic wave excited by a structure wherein the value of $2\pi \cdot H/\lambda_M$ satisfies $(2\pi \cdot H/\lambda_M) = 7.7$ to 9.5 where the thickness of said ZnO layer is H and the wavelength of the surface acoustic wave is λ_M.

6. (Original) A surface acoustic wave device having a structure wherein interdigital transducers for exciting a surface acoustic wave are disposed on a dielectric thin film comprising a diamond layer or a diamond layer formed on a substrate, a ZnO layer is stacked on said interdigital transducers, and a short-circuit electrode is disposed on said ZnO layer, being characterized by the use of the second order mode surface acoustic wave excited by a structure wherein the value of $2\pi \cdot H/\lambda_M$ satisfies $(2\pi \cdot H/\lambda_M) = 7.2$ to 8.5 where the thickness of said ZnO layer is H and the wavelength of the surface acoustic wave is λ_M.

7. (Original) A surface acoustic wave device having a structure wherein interdigital transducers for exciting a surface acoustic wave are disposed on a dielectric thin film comprising a diamond layer or a diamond layer formed on a substrate, a ZnO layer is stacked on said

interdigital transducers, and a short-circuit electrode is disposed on said ZnO layer, being characterized by the use of the fifth order mode surface acoustic wave excited by a structure wherein the value of $2\pi \cdot H/\lambda_M$ satisfies $(2\pi \cdot H/\lambda_M) = 7.8$ to 9.5 where the thickness of said ZnO layer is H and the wavelength of the surface acoustic wave is λ_M.

8. (Original) A surface acoustic wave device having a structure wherein a short-circuit electrode is stacked on a dielectric thin film comprising a diamond layer or a diamond layer formed on a substrate, a ZnO layer is stacked on said short-circuit electrode, and interdigital transducers for exciting a surface acoustic wave are disposed on said ZnO layer, being characterized by the use of the second order mode surface acoustic wave excited by a structure wherein the value of $2\pi \cdot H/\lambda_M$ satisfies $(2\pi \cdot H/\lambda_M) = 4.8$ to 6.0 where the thickness of said ZnO layer is H and the wavelength of the surface acoustic wave is λ_M.

9. (Original) A surface acoustic wave device having a structure wherein a short-circuit electrode is stacked on a dielectric thin film comprising a diamond layer or a diamond layer formed on a substrate, a ZnO layer is stacked on said short-circuit electrode, and interdigital transducers for exciting a surface acoustic wave are disposed on said ZnO layer, being characterized by the use of the third order mode surface acoustic wave excited by a structure wherein the value of $2\pi \cdot H/\lambda_M$ satisfies $(2\pi \cdot H/\lambda_M) = 6.0$ to 8.5 where the thickness of said ZnO layer is H and the wavelength of the surface acoustic wave is λ_M.

10. (Original) A surface acoustic wave device having a structure wherein a short-circuit electrode is stacked on a dielectric thin film comprising a diamond layer or a diamond layer

formed on a substrate, a ZnO layer is stacked on said short-circuit electrode, and interdigital transducers for exciting a surface acoustic wave are disposed on said ZnO layer, being characterized by the use of the fourth order mode surface acoustic wave excited by a structure wherein the value of $2\pi \cdot H/\lambda_M$ satisfies $(2\pi \cdot H/\lambda_M) = 9.0$ to 10.0 where the thickness of said ZnO layer is H and the wavelength of the surface acoustic wave is λ_M.

11. (Cancelled)

12. (Cancelled)

13. (New) A surface acoustic wave device in accordance with any one of Claims 2 through 10, wherein the surface acoustic wave to be used is a fundamental wave.

14. (New) A surface acoustic wave device in accordance with any one of Claims 2 through 10, wherein the surface acoustic wave to be used is a harmonic wave.